Docket No.: 350292003100

(PATENT)

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Katsuhiro KANO et al.

Application No.: 10/593,786

Confirmation No.: 4027

Filed: March 24, 2005

Art Unit: Not Yet Assigned

For: SUBTYPES OF HUMANIZED ANTIBODY AGAINST INTERLEUKEN-6 RECEPTOR

Examiner: Not Yet Assigned

# PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

MS PCT

ATTN: Office of PCT Legal Administration Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants request withdrawal of abandonment for the above-referenced application.

Applicants have received a Notification of Abandonment dated October 5, 2009. The Notice of Abandonment states that the application is abandoned because of Applicants' failure to timely file a proper reply to the notification of Missing Requirements mailed June 27, 2008.

Applicants, in fact, did respond to the notice on August 26, 2008, after which they received a a Notification of Defective Response, date March 20, 2009. Once again a response was filed on April 20, 2009. In reviewing PAIR, it was discovered that the Sequence Listing submitted had been reviewed on August 7, 2009, and was found once again to be defective by the reviewer, but a notice indicating that our computer readable form (CRF) was defective was never mailed to us.

Therefore, we are attaching the following to this report:

- 1. Copy of Notification of Abandonment;
- 2. Statement Under 37 CFR 1.825(a) and 1.825(b);
- 3. Paper copy of the Sequence Listing;
- 4. Copy of Sequence Listing Validation Report;
- 5. Copy of Image File Wrapper from PAIR;
- 6. Computer disk containing the Sequence Listing in ASCII format;
- 7. Preliminary Amendment.

For the reasons stated herein, Applicants respectfully request that this Notice of Abandonment be promptly withdrawn.

Dated: December 4, 2009

Respectfully submitted,

Jonathan Bockman

Registration No.: 45,640 MORRISON & FOERSTER LLP 1650 Tysons Blvd, Suite 400

McLean, Virginia 22102

(703) 760-7769



## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.	
10/502 706	77 . 1' . 77	05000000100	

10/593,786

Katsuhiro Kano

350292003100

25227 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102 INTERNATIONAL APPLICATION NO.

PCT/JP2005/006229

I.A. FILING DATE PRIORITY DATE

03/24/2005 03/24/2004

CONFIRMATION NO. 4027 371 ABANDONMENT/TERMINATION LETTER



OC000000038091701\*

Date Mailed: 10/05/2009

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

• Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 06/27/2008 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

ANITA D JOHNSON
Telephone: (571) 272-0386

Docket No.: 350292003100

(PATENT)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Katsuhiro KANO et al.

Application No.: 10/593,786

Confirmation No.: 4027

Filed: March 24, 2005

Art Unit: Not Yet Assigned

For: SUBTYPES OF HUMANIZED ANTIBODY AGAINST INTERLEUKEN-6 RECEPTOR

Examiner: Not Yet Assigned

# **STATEMENT UNDER 37 C.F.R. 1.825(a) and 1.825(b)**

MS PCT

ATTN: Office of PCT Legal Administration

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby states that the content of the attached paper copy of the substitute Sequence Listing and the computer readable copy of the substitute Sequence Listing submitted in accordance with 37 C.F.R. §§ 1.821-1.825, are identical. The submission of the substitute Sequence Listing does not include new matter.

The substitute Sequence Listing enclosed herewith has been amended to facilitate its administrative processing, and not for reasons related to patentability.

Applicants request consideration and entry of the Sequence Listing paper copy and computer readable copy. Pursuant to 37 C.F.R. 1.77, please enter the paper copy of the Sequence Listing after the Abstract.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and

authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to <u>Deposit Account No. 03-1952</u> referencing docket no. 350292003100.

Dated: December 4, 2009

Respectfully submitted,

Jonathan Bockman

Registration No.: 45,640 MORRISON & FOERSTER LLP 1650 Tysons Blvd, Suite 400 McLean, Virginia 22102 (703) 760-7769

#### SEQUENCE LISTING

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TERASHIMA, Isamu
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va-288353 2

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va-288353

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va-288353

\_\_\_\_\_\_

Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).

Reviewer: markspencer

Timestamp: [year=2009; month=8; day=7; hr=14; min=22; sec=40; ms=727; ]

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#### Reviewer Comments:

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E201 .	Mandatory field data missing in <221> in SEQ ID (1)		
E201	Mandatory field data missing in <222> in SEQ ID (1)		
E334	Range not specified in <222> in SEQ ID (1)		
E224	<220>,<223> section required as <213> has Artificial		
sequence or Unknown in SEQID (1)			
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Please provide a space between the numeric identifiers in these sequences and their responses. Using SEQ ID # 1 as an example your sequences should look like the following.

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# Validated By CRFValidator v 1.0.3

Application No:

10593786

Version No:

2.0

Input Set:

Output Set:

**Started:** 2009-07-20 14:43:11.992

Finished: 2009-07-20 14:43:14.458

Elapsed: 0 hr(s) 0 min(s) 2 sec(s) 466 ms

Total Warnings: 2

Total Errors: 8

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Actual SeqID Count: 2

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#### SEQUENCE LISTING

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His Ala Trp Ser Trp Val Arg Gln Pro Pro Gly Arg Gly Leu Glu Trp
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10/593,786 Subtypes of humanized antibody against interleuken-6 receptor 12-04-2009::12:50:50

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data				
Mail Room Date	Document Code	Document Description	Document Category	Page Count
10-05-2009	ABN	Abandonment	PROSECUTION	1
08-07-2009	CRFD	Computer Readable Form (CRF) for Sequence Listing - Defective		6
07-02-2009	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
07-02-2009	FOR	Foreign Reference	PRIOR ART	21
07-02-2009	FOR	Foreign Reference	PRIOR ART	10
07-02-2009	NPL	NPL Documents	PRIOR ART	6
07-02-2009	NPL	NPL Documents	PRIOR ART	4
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07-02-2009	NPL	NPL Documents .	PRIOR ART	<i>°</i> 6
07-02-2009	NPL	NPL Documents	PRIOR ART	9
07-02-2009	371P	Documents submitted with 371 Applications	PROSECUTION	2
07-02-2009	N417	EFS Acknowledgment Receipt	PROSECUTION	4
07-02-2009	TRAN.LET	Transmittal Letter	PROSECUTION	3
07-02-2009	TRAN.LET	Transmittal Letter	PROSECUTION	2
04-20-2009	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	3
04-20-2009	CRFD	Computer Readable Form (CRF) for Sequence Listing - Defective	PROSECUTION	4
04-20-2009	SEQLIST	Sequence Listing	PROSECUTION	2
04-20-2009	SEQ.TXT	Sequence Listing (Text File)	PROSECUTION	1
03-20-2009	371.RES.DEF	371 Defective Response - Form M916	PROSECUTION	2
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02-12-2009	CRFD	Computer Readable Form (CRF) for Sequence Listing - Defective	PROSECUTION	4
08-26-2008	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	5
08-26-2008	OATH	Oath or Declaration filed	PROSECUTION	3
08-26-2008	CRFS	CRF Statement Paper and CRF are the same	PROSECUTION	2
08-26-2008	SEQLIST	Sequence Listing	PROSECUTION	2
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06-26-2008	IMIS	Miscellaneous Internal Document	PROSECUTION	1
06-26-2008	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1
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06-13-2008	371P	Documents submitted with 371 Applications	PROSECUTION	1
06-13-2008	ABST	Abstract	PROSECUTION	1
06-13-2008	371P	Documents submitted with 371 Applications	PROSECUTION	60
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09-22-2006	TRNA	Transmittal of New Application	PROSECUTION	3
09-22-2006	SPEC	Specification	PROSECUTION	29
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09-22-2006	ABST	Abstract	PROSECUTION	1
09-22-2006	DRW	Drawings-only black and white line drawings	PROSECUTION	24
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09-22-2006	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	4
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09-22-2006	NPL	NPL Documents	PRIOR ART	12
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09-22-2006	SEQLIST	Sequence Listing	PROSECUTION	4
09-22-2006	P.PAMPHLE	TWIPO Publication - Non-English version	PROSECUTION	63
09-22-2006	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	47

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